

U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

EXPRESS MAIL LABEL NO.: N/A

February 27, 2007

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: 5100.P0106US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5): 10/593 947

CONFIRMATION NO.: 5449

INTERNATIONAL APPLICATION NO.: PCT/EP2005/003187

INTERNATIONAL FILING DATE: March 24, 2005

PRIORITY DATE CLAIMED: March 26, 2004

TITLE OF INVENTION: WORKING TOOL FOR A PIECE OF EARTH-MOVING MACHINERY

APPLICANT(S) FOR DO/EO/US: Guenter HOLP

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13~~ter~~.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - A. Copy of Notification of Missing Requirements Under 35 U.S.C. 371
  - B. Post Card

The following fees have been submitted:	Calculations	PTO USE ONLY
21. <input type="checkbox"/> Basic National Fee (37 CFR 1.492(a)) .....\$300.00	\$	
22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0.00 All other situations .....\$200.00	\$200.00	
23. <input checked="" type="checkbox"/> Search Fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0.00 Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority .....\$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....\$400.00 All other situations .....\$500.00	\$400.00	
<b>TOTAL OF 21, 22 AND 23 =</b>	<b>\$600.00</b>	

U.S. APPLICATION NO. (if known, see 37 CFR 1.5): 10/593 947  
 INTERNATIONAL APPLICATION NO.: PCT/EP2005/003187  
 ATTORNEY'S DOCKET NUMBER: 5100.P0106US


[ ] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$0.00	
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$ 50.00	\$	
Ind. claims	- 3 =		x \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360.00				\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$730.00</b>	
[X] Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. <b>SUBTOTAL =</b>				<b>\$365.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$130.00
<b>TOTAL NATIONAL FEE =</b>				<b>\$495.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				+	\$0.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$495.00</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$

- a. [X] A check in the amount of \$495.00 to cover the above fees is enclosed.  
 b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.  
 c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.  
 NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

IN DUPLICATE

**PLEASE DIRECT CORRESPONDENCE TO  
 THE ADDRESS ASSOCIATED WITH THE  
 FOLLOWING CUSTOMER NUMBER: 23474**

300.07/05

  
 Donald J. Wallace  
 Registration Number: 43 977  
 DJW/jas

FLYNN, THIEL, BOUTELL & TANIS, P.C.  
 2026 Rambling Road  
 Kalamazoo, Michigan 49008-1631

PATENT APPLICATION

Applicant(s): Guenter HOLP

Title: WORKING TOOL FOR A PIECE OF EARTH-MOVING MACHINERY

PCT International Application No.: PCT/EP2005/003187

PCT International Filing Date: March 24, 2005

U.S. Application No.

(if known, see 37 CFR 1.5): 10/593 947

Confirmation No.: 5449

Atty. Docket No.: 5100.P0106US

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FIRST CLASS MAILING CERTIFICATE

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 1, 2007.

  
Donald J. Wallace

DJW/jas

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Reg. No. 24 323  
Reg. No. 25 072  
Reg. No. 32 549  
Reg. No. 36 589  
Reg. No. 40 694  
Reg. No. 36 328  
Reg. No. 53 685  
Reg. No. 43 977  
Reg. No. 24 949

Correspondence: Form PTO-1390 dated February 27, 2007 with enclosures listed thereon

390.05/05



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/593,947	FIRST NAMED APPLICANT Guenter Holp	ATTY. DOCKET NO. 5100.P0106US
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INTERNATIONAL APPLICATION NO. PCT/EP05/03187	
I.A. FILING DATE 03/24/2005	PRIORITY DATE 03/26/2004

23474  
FLYNN THIEL BOUTELL & TANIS,  
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KALAMAZOO, MI 49008-1631

DHT \_\_\_\_\_ DGB ✓ TFC \_\_\_\_\_  
MLM \_\_\_\_\_ LLC \_\_\_\_\_ BRT \_\_\_\_\_  
SRT \_\_\_\_\_ DJW \_\_\_\_\_ SBW \_\_\_\_\_

JAN 08 2007

HJ \_\_\_\_\_ P/G \_\_\_\_\_  
GMS \_\_\_\_\_ CRA \_\_\_\_\_ KC \_\_\_\_\_  
FILE \_\_\_\_\_

CONFIRMATION NO. 5449  
371 FORMALITIES LETTER  
\*OC000000021838762\*

Date Mailed: 01/05/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/22/2006
- Copy of the International Search Report filed on 09/22/2006
- Request for Immediate Examination filed on 09/22/2006
- U.S. Basic National Fees filed on 09/22/2006
- Priority Documents filed on 09/22/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

FILE NO:WOLF 106 ATTY:DGB/DJW  
DUE DATE:03-05-2007 ( 20070305 )  
5100.P0106US /INIT:( 20070105 )  
ACTION:10 RES PER:2 M DK1  
FILE FEE DEC, ET AL / 2697

Total additional fees required for this application is **\$495** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.
- The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/593,947	PCT/EP05/03187	5100.P0106US